

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

DERRICK RAPLEY,

Defendant.

ORDER

09-cr-159-bbc

It has come to my attention that the December 15, 2010 order contains errors as to defendant's response dates.

Therefore, IT IS ORDERED that the order entered herein on December 15, 2010, is AMENDED as follows:

IT IS ORDERED that defendant Derrick Rapley's Motion for Relief From Breach of Contractual Plea Agreement and Combined Motion for Appointment of Conflict-Free Counsel and Hearing is re-characterized as a motion brought pursuant to 28 U.S.C. § 2255. Defendant may have until *January 18, 2011*, in which to advise the court whether he wishes

to withdraw his motion or proceed with it. If he chooses to proceed, he is either to attach a rewritten motion, setting out *all* his challenges to his sentence, or advise the court that his only challenges are the ones set out in his present motion. I am enclosing a form that defendant may use to file a motion. If defendant does not respond to this order by *January 18, 2011*, the court will consider his motion to have been withdrawn.

Defendant's request for appointment of counsel is DENIED without prejudice as premature.

In all other respects, the order entered on December 15, 2010, remains unchanged.

Entered this 17th day of December, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge